

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DONALD WALKER,)	
)	Civil Action No. 06 - 1280
Petitioner,)	
)	
v.)	District Judge Nora Barry Fischer
)	
MARDI HUNSBERGER/VINCENT;)	
ATTORNEY GENERAL OF THE STATE)	
OF PENNSYLVANIA and the DISTRICT)	
ATTORNEY OF ALLEGHENY COUNTY,)	
)	
Respondents.)	

MEMORANDUM ORDER

On September 25, 2006, the above captioned case was initiated by the filing of a Petition for Writ of Habeas Corpus and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Magistrate Judge's Report and Recommendation filed on October 8, 2008 (doc. no. 16) recommended that the Petition for Writ of Habeas Corpus be denied and that a certificate of appealability be denied. Petitioner was served with the Report and Recommendation and advised that he was allowed until October 27, 2008 to file written objections to the Report and Recommendation. No Objections have been filed.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 10th day of November, 2008;

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus is **DENIED**.


IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation (doc. no. 16) of Magistrate Judge Lenihan dated October 8, 2008, is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:


Nora Barry Fischer
United States District Judge

cc: Lisa Pupo Lenihan
United States Magistrate Judge

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